

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MINNESOTA**

ERIK HENNE, Derivatively on Behalf of )  
Nominal Defendant DIGITAL RIVER, )  
INC., )

Plaintiff, )

v. )

JOEL A. RONNING, CARTER D. HICKS, )  
GARY V. HOWORKA, JAY A. KERUTIS, )  
ROBERT E. STRAWMAN, PERRY W. )  
STEINER, GREGORY R. L. SMITH, )  
KELLY J. WICAL, THOMAS F. )  
MADISON, J. PAUL THORIN, )  
WILLIAM J. LANSING, FREDERIC M. )  
SEEGAL and TIMOTHY C. CHOATE, )

Defendants, )

and )

DIGITAL RIVER, INC., )

Nominal Defendant. )

No. 06-CV-04372 RHK/AJB

**ORDER**

**IT IS HEREBY ORDERED** that Plaintiffs' motion to voluntarily dismiss this action pursuant to Fed. R. Civ. P. 23.1 and 41(a)(1) is GRANTED, and this action is hereby DISMISSED WITHOUT PREJUDICE.

Dated: 1/3, 2007

s/Richard H. Kyle  
Richard H. Kyle  
JUDGE, UNITED STATES DISTRICT COURT